

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1101 THOMAS P. ONEILL, JR., FEDERAL BUILDING
10 CAUSEWAY STREET
BOSTON, MASSACHUSETTS 0222-1074

JAMES M. LYNCH
CLERK

(617)565-6051
FAX (617)565-6087

WORCESTER OFFICE

595 MAIN STREET
WORCESTER, MA 01608-2076
(508)793-0518
FAX (508)793-0541

1/7/05

United States District Court
District of Massachusetts
Harold D. Donohue Federal Building & Courthouse
595 Main Street
Worcester, MA 01608

05-40007 FDS

Bankruptcy Case/Adversary Preceeding In Re: 03-44857
Bankruptcy Case/Adversary Preceeding In Number:

The following is being transmitted to your court:

- ☐ Copy of Notice of Appeal with Order
- ☒ Copy of Bankruptcy Docket
- ☐ Copy of Election to have appeal heard in District Court
- ☐ Copy of Motion for Leave to Appeal With/Without Objections
- ☒ Other Objection of Motion for Leave to Appeal

RECEIVED
JAN 10 2005
U.S. DISTRICT COURT
WORCESTER, MA

Please acknowledge receipt of these documents by signing the copy of this letter and returning it to this office for filing.

United States Bankruptcy Court
1101 O'Neill Federal Building
10 Causeway Street
Boston, MA 02222-1074

United States Bankruptcy Court
211 Donohue Federal Building
595 Main Street
Worcester, MA 01608-2076

Date: 1/7/05

* Please Note: Appellee Atty notified
BK that Motion for leave to appeal
filed in District Court. (Copy attached)

Also: Notice of Appeal filed as an
Attachment to Objection

James M. Lynch
Clerk, U.S. Bankruptcy Court

By the Court,

Anne Harmon
Deputy Clerk
508-770-8913

Receipt is acknowledged of the enclosures referred to above.

District Court Docket Number: 05-40007
Date: 1-10-05

By: S. Jones
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

IN RE:

PROSPEED.NET, INC.

DEBTOR

CHAPTER 11

CASE NO. 03-44857-JBR

**NOTICE OF APPEAL AND
DESIGNATION OF PARTIES**

Now comes Prospeed.net, Inc. (hereinafter the "Debtor"), to give notice of its appeal to the U.S. District Court of Massachusetts, of the Order of U. S. Bankruptcy Court dated December 10, 2004, copy attached electronically, denying approval of the Debtor's Motion for Approval of Disclosure Statement, in which the Honorable Judge Rosenthal specifically denied the Debtor's contention that 11 USC Section 365 (b)(1) is non-applicable to the Plan of Reorganization of the Debtor where the holder of an executory contract in arrears is a utility. The Debtor has asserted that 11 USC Section 366 applies to a utility, rather than 11 USC Section 365, where a utility and a Debtor hold an executory contract which is material to the Debtor's business.

The names of all parties to the order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

1. The APPELLANT is PROSPEED.NET, INC.


Represented by : Timothy M. Mauser
Mauser & DiPiano, LLP
98 North Washington Street, Suite 305
Boston, MA 02114
617-720-5585
BBO #542050

2. THE APPELEE is the Operating Telephone Company Subsidiaries of Verizon Communication, Inc.

Represented by: Mark W. Powers, Esq.
Bowditch & Dewey, LLP
311 Main Street, PO Box 15156
Worcester, MA 01615-0156

Phillip D. Anker and Joel Millar Esq.,
Wilmer, Cutler, Pickering, Hale and Dorr
399 Park Avenue
New York, NY 10022 Phone 212-230-8800

Respectfully Submitted
PROSPEED.NET, INC.
By Its Attorney

A handwritten signature in black ink, appearing to read 'Timothy M. Mauser', written over a horizontal line.

Timothy M. Mauser
Mauser & DiPiano, LLP
98 North Washington Street, Suite 305
Boston, MA 02114
617-720-5585
BBO #542050

Dated: December 20, 2004
2202.24.wpd

APPEAL

**United States Bankruptcy Court
District of Massachusetts (Worcester)
Bankruptcy Petition #: 03-44857**

Assigned to: Judge Joel B. Rosenthal
Chapter 11
Voluntary
Asset

Date Filed: 08/19/2003

Prospeed.Net, Inc.
164 Westford Rd.
Tyngsboro, MA 01879
Tax id: 04-3469810
Debtor

represented by **Timothy M. Mauser**
Mauser & Dipiano, LLP
98 North Washington St., Ste 305
Boston, MA 02114
617-720-5585

Richard King
Office of US. Trustee
446 Main Street
14th Floor
Worcester, MA 01608
Assistant U.S. Trustee

Filing Date	#	Docket Text
08/19/2003	<u>1</u>	Chapter 11 Voluntary Petition. Receipt Number 502641, Fee Amount \$830 Filed by Prospeed.Net, Inc. rep by Timothy M. Mauser . (kpm, USBC) (Entered: 08/19/2003)
08/19/2003		Matrix (kpm, USBC) (Entered: 08/19/2003)
08/19/2003	<u>2</u>	Disclosure of Compensation of Attorney Timothy M. Mauser in the amount of \$10,000.00 . (kpm, USBC) (Entered: 08/19/2003)
08/19/2003	<u>3</u>	Order to Update (RE: <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Prospeed.Net, Inc.). Schedules A,B,C,D,E,G,H due 9/3/2003. Statement of Financial Affairs due 9/3/2003. Exhibit A due 9/3/2003. (kpm, USBC) (Entered: 08/19/2003)
08/21/2003	<u>4</u>	Emergency Motion for Authority to Pay Pre-Petition Wages Filed by Debtor Prospeed.Net, Inc. c/s (jr ,) (Entered: 08/21/2003)
08/21/2003	<u>5</u>	Order Granting <u>4</u> Emergency Motion for Authority to Pay Pre-Petition Wages Filed by Debtor Prospeed.Net, Inc. See Order For Full

		Text. (jr ,) (Entered: 08/21/2003)
08/22/2003	<u>6</u>	Notice of Appearance and Request for Notice filed by Philip D. Anker for Creditor Verizon Communications Inc. . c/s (ld ,) (Entered: 08/22/2003)
08/26/2003	<u>7</u>	Notice of Status Conference Re: <u>1</u> Voluntary Petition. A STATUS CONFERENCE WILL BE HELD IN THE ABOVE MATTER ON SEPTEMBER 25, 2003 AT 10:00 A.M. (ss) (Entered: 08/26/2003)
08/26/2003		Status Conference to be held on 9/25/2003 at 10:00 AM at Worcester Courtroom 3 - JBR Re: <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Prospeed.Net, Inc. (ss) (Entered: 08/26/2003)
08/27/2003		First Meeting of Creditors scheduled on 341(a) meeting to be held on 9/30/2003 at 09:30 AM at Worcester UST Office, 600 Main Street, Suite 202. (pf, USBC) (Entered: 08/27/2003)
08/27/2003	<u>8</u>	Court's Notice of 341 sent (pf, USBC) (Entered: 08/27/2003)
08/29/2003	<u>9</u>	BNC Certificate of Mailing - Meeting of Creditors. Service Date 08/29/2003. (Related Doc # <u>8</u>) (Admin.) (Entered: 08/30/2003)
09/04/2003	<u>10</u>	Application to Employ Mauser & Mauser as Counsel to Debtor With Affidavit Filed by Debtor Prospeed.Net, Inc. c/s. (ach) (Entered: 09/10/2003)
09/04/2003	<u>11</u>	Schedules A-H Filed by Debtor Prospeed.Net, Inc. (ss) (Entered: 09/11/2003)
09/04/2003	<u>12</u>	Statement of Financial Affairs Filed by Debtor Prospeed.Net, Inc. (ss) (Entered: 09/11/2003)
09/04/2003	<u>13</u>	List of 20 Largest Creditors Filed by Debtor Prospeed.Net, Inc. (ss) (Entered: 09/11/2003)
09/15/2003	<u>14</u>	Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. c/s Receipt Number 514215, Fee Amount \$75.00. Objections due by 9/29/2003. (ss) (Entered: 09/15/2003)
09/15/2003	<u>15</u>	Motion For An Expedited Hearing Re: <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by

		Creditor Verizon Communications Inc. c/s (ss) (Entered: 09/15/2003)
09/15/2003	<u>17</u>	Motion to Approve Appearance of Philip D. Anker and Joel Millar of Wilmer, Cutler & Pickering Pro Hac Vice Filed by Mark W. Powers with Affidavits. c/s (ss) (Entered: 09/16/2003)
09/15/2003	<u>18</u>	Notice of Appearance and Request for Notice by Mark W. Powers for Creditor Verizon Communications Inc. (ss) (Entered: 09/16/2003)
09/15/2003	<u>22</u>	Notice of Appearance and Request for Notice filed by Brian L. Boysen for Creditor Sunrise International Leasing Corporation . c/s (ld ,) (Entered: 09/22/2003)
09/16/2003	<u>16</u>	Endorsed Order <u>15</u> Motion For Expedited Hearing on <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. ALLOWED. A HEARING ON THE MOTION FOR RELIEF <u>14</u> WILL BE HELD ON SEPTEMBER 25, 2003 AT 10:00 A.M. MOVANT TO GIVE NOTICE FORTHWITH AND FILE A CERTIFICATE OF SERVICE. (ss) (Entered: 09/16/2003)
09/16/2003	<u>19</u>	Certificate of Service by Mark Powers Re: <u>16</u> Endorsed Order <u>15</u> Motion For Expedited Hearing on <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. (ss) (Entered: 09/17/2003)
09/16/2003	<u>20</u>	Endorsed Order Regarding <u>17</u> Motion to Approve Appearance of Philip D. Anker and Joel Millar of Wilmer, Cutler & Pickering Pro Hac Vice Filed by Mark W. Powers with Affidavits. ALLOWED. (ss) (Entered: 09/17/2003)
09/19/2003	<u>21</u>	BNC Certificate of Mailing - PDF Document. Service Date 09/19/2003. (Related Doc # <u>20</u>) (Admin.) (Entered: 09/20/2003)
09/22/2003	<u>23</u>	Order Granting <u>10</u> Application to Employ Mauser & Mauser as Counsel to Debtor With Affidavit Filed by Debtor Prospeed.Net, Inc. (ss) (Entered: 09/23/2003)
09/24/2003	<u>24</u>	Answer by Debtor Prospeed.Net, Inc. Re: <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. c/s (ss) (Entered: 09/25/2003)

09/25/2003	● <u>25</u>	BNC Certificate of Mailing - PDF Document. Service Date 09/25/2003. (Related Doc # <u>23</u>) (Admin.) (Entered: 09/26/2003)
09/25/2003	● <u>26</u>	Order Regarding Status Conference Re: <u>1</u> Voluntary Petition (Chapter 11) filed by Debtor Prospeed.Net, Inc. STATUS CONFERENCE HELD. (ss) (Entered: 09/26/2003)
09/25/2003	●	Hearing Held and Continued Re: <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. (ss) (Entered: 09/26/2003)
09/25/2003	● <u>27</u>	Order Regarding <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. CONTINUED TO 10/30/03 AT 11:00 A.M. DEBTOR IS ORDERED TO PAY VERIZON \$13,000 AS A DEPOSIT POST-PETITION SERVICES-PAYMENT TO BE MADE BY SEPTEMBER 26, 2003. WEEKLY PAYMENTS OF \$3250.00 TO BE MADE WEEKLY COMMENCING 9/26/03 AND ON FRIDAY OF EACH WEEK THEREAFTER. AN ADDITIONAL DEPOSIT OF \$13,000 WILL BE MADE ON 10/26/03. STAY CONTINUED IN EFFECT. (ss) (Entered: 09/26/2003)
09/26/2003	●	Hearing Continued to 10/30/2003 at 11:00 AM Worcester Courtroom 3 - JBR Re: <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. (ss) (Entered: 09/26/2003)
09/30/2003	●	Meeting of Creditors Held and Examination of Debtor. (la, USBC) (Entered: 10/01/2003)
09/30/2003	●	Meeting of Creditors Held and Examination of Debtor. (mjl, USBC) (Entered: 10/03/2003)
09/30/2003	● <u>28</u>	Statement of the United States Trustee that there are an insufficient number of creditors to form a committee. (ach) (Entered: 10/08/2003)
10/10/2003	● <u>29</u>	Transcript of Hearings Held on 9/25/03 RE: Status Conference and <u>14</u> Motion for Relief From Stay filed by Creditor Verizon Communications Inc. (ld ,) (Entered: 10/14/2003)
10/20/2003	● <u>30</u>	Motion to Extend Time for Assumption or Rejection of Lease Filed

		by Debtor Prospeed.Net, Inc. c/s. (ach) (Entered: 10/23/2003)
10/20/2003	● <u>31</u>	Motion for Emergency Hearing Re: <u>30</u> Motion to Extend Time for Assumption or Rejection of Lease Filed by Debtor Prospeed.Net, Inc. c/s. (ach) (Entered: 10/23/2003)
10/23/2003	● <u>32</u>	Endorsed Order Regarding <u>31</u> Motion for Emergency Hearing Re: <u>30</u> Motion to Extend Time for Assumption or Rejection of Lease Filed by Debtor Prospeed.Net, Inc. ALLOWED. A HEARING IS SCHEDULED FOR 10/30/03 AT 11:00 A.M. AN EXTENSION THROUGH THIS DATE IS GRANTED. MOVANT TO PROVIDE NOTICE FORTHWITH AND FILE A CERTIFICATE OF SERVICE WITH THE COURT. (ss) (Entered: 10/23/2003)
10/23/2003	● <u>33</u>	Certificate of Service by Timothy Mauser Re: <u>32</u> Endorsed Order Regarding <u>31</u> Motion for Emergency Hearing Re: <u>30</u> Motion to Extend Time for Assumption or Rejection of Lease Filed by Debtor Prospeed.Net, Inc. (ss) (Entered: 10/24/2003)
10/30/2003	● <u>34</u>	Order Regarding <u>30</u> Motion to Extend Time for Assumption or Rejection of Lease Filed by Debtor Prospeed.Net, Inc. GRANTED - TIME TO ASSUME OR REJECT EXTENDED TO JANUARY 8, 2004. (ss, usbc) (Entered: 10/30/2003)
10/30/2003	●	Hearing Held and Continued Re: <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. (ss, usbc) (Entered: 10/30/2003)
10/30/2003	● <u>35</u>	Order Regarding <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. #14, #15 CONTINUED TO 1/8/04 AT 10:00 A.M. BY AGREEMENT. STAY CONTINUED IN EFFECT. PAYMENTS IN ACCORDANCE WITH ORDER OF 9/25/03 <u>27</u> . (ss, usbc) (Entered: 10/30/2003)
10/30/2003	●	Hearing Continued to 1/8/2004 at 10:00 AM Worcester Courtroom 3 - JBR Re: <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. (ss, usbc) (Entered: 10/30/2003)
01/02/2004	● <u>36</u>	Joint Motion to Continue Hearing (Re: <u>14</u> Motion for Relief From

		Stay,) Filed by Creditor Verizon Communications Inc. (Powers, Mark) (Entered: 01/02/2004)
01/02/2004	● <u>37</u>	Joint Motion For Expedited Determination (Re: <u>36</u> Motion to Continue/Reschedule Hearing) Filed by Creditor Verizon Communications Inc. (Powers, Mark) (Entered: 01/02/2004)
01/02/2004	● <u>38</u>	Certificate of Service (Re: <u>37</u> Motion for Expedited Determination, <u>36</u> Motion to Continue/Reschedule Hearing). Filed by Creditor Verizon Communications Inc. (Powers, Mark) (Entered: 01/02/2004)
01/05/2004	● <u>39</u>	Endorsed Order Granting <u>37</u> Motion for Expedited Determination on Joint Motion to Continue Hearing on Lift Stay Motion of Verizon Communication. ALLOWED. (ach, usbc) (Entered: 01/05/2004)
01/05/2004	● <u>40</u>	Endorsed Order Granting Motion To Continue Hearing Re: <u>14</u> Motion for Relief From Stay of Verizon Communications Inc. ALLOWED. THE HEARING SCHEDULED FOR 1/8/04 IS CONTINUED TO 1/22/04 AT 9:30 AM. (ach, usbc) (Entered: 01/05/2004)
01/06/2004	● <u>41</u>	Notice of Hearing Filed by Creditor Verizon Communications Inc. (RE: Hearing Scheduled,). (Powers, Mark) Additional attachment(s) added on 1/8/2004 (ach, usbc). (Entered: 01/06/2004)
01/06/2004	● <u>42</u>	Certificate of Service (Re: <u>41</u> Notice of Hearing). Filed by Creditor Verizon Communications Inc. (Attachments: # <u>1</u> Service List) (Powers, Mark) Additional attachment(s) added on 1/8/2004 (ach, usbc). (Entered: 01/06/2004)
01/13/2004	●	Hearing continued for 1/22/2004 at 09:30 AM Worcester Courtroom 3 - JBR for <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc (ach, usbc) (Entered: 01/13/2004)
01/20/2004	● <u>52</u>	Notice of Appearance and Request for Notice Filed by Creditor Riverside Contracting LLC . (ld, usbc) (Entered: 03/31/2004)
01/22/2004	●	Hearing Continued to 4/1/2004 at 10:00 AM Worcester Courtroom 3 - JBR for <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. (ach, usbc) (Entered: 01/26/2004)

01/26/2004	● <u>43</u>	Order Dated 1/22/04 Regarding <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. CONTINUED TO 4/1/04 AT 10:00 AM. (ach, usbc) (Entered: 01/26/2004)
01/26/2004	● <u>44</u>	Stipulation By Debtor Prospeed.Net, Inc. AND Operating Subsidiaries of Verizon Communications Inc. Re: <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. Filed in Open Court. (ach, usbc) (Entered: 01/26/2004)
01/26/2004	● <u>45</u>	Order Dated 1/22/04 Re: <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. See Order For Complete Text. (ach, usbc) (Entered: 01/26/2004)
03/30/2004	● <u>46</u>	Joint Motion to Continue Hearing (Re: <u>14</u> Motion for Relief From Stay,) <i>And For The Debtor To File A Disclosure Statement And Plan</i> Filed by Creditor Verizon Communications Inc. (Powers, Mark) (Entered: 03/30/2004)
03/30/2004	● <u>47</u>	Joint Motion For Expedited Determination (Re: <u>46</u> Motion to Further Continue Hearing on the Lift Stay Motion of Verizon Communications Inc. and Establishing Deadline for the Debtor to File a Disclosure Statement and Plan) Filed by Creditor Verizon Communications Inc. (Powers, Mark) Informational Modification on 3/30/2004 (ach, usbc). (Entered: 03/30/2004)
03/30/2004	● <u>48</u>	Certificate of Service (Re: <u>47</u> Motion for Expedited Determination, <u>46</u> Motion to Continue/Reschedule Hearing). Filed by Creditor Verizon Communications Inc. (Powers, Mark) (Entered: 03/30/2004)
03/30/2004	● <u>49</u>	Endorsed Order Dated 3/30/04 Granting <u>47</u> Joint Motion For Expedited Determination (Re: <u>46</u> Motion to Further Continue Hearing on the Lift Stay Motion of Verizon Communications Inc. and Establishing Deadline for the Debtor to File a Disclosure Statement and Plan) Filed by Creditor Verizon Communications Inc. ALLOWED. (ach, usbc) (Entered: 03/30/2004)
03/30/2004	● <u>50</u>	Endorsed Order Dated 3/30/04 Regarding <u>46</u> Joint Motion for Entry of an Order (1) Further Continuing Hearing Date on (<u>14</u> Motion for Relief From Stay by Verizon Communications, Inc. and (2)

		Establishing Deadline for the Debtor to File a Disclosure Statement and Plan. ALLOWED AS SET FORTH HEREIN. HEARING CONTINUED TO 6/3/04 AT 10:00 AM. ATTORNEY POWERS TO PROVIDE TELEPHONIC OR FAX NOTICE FORTHWITH. ach, usbc) (Entered: 03/30/2004)
03/30/2004	● <u>51</u>	Certificate of Service of Notice of Hearing (Re: <u>14</u> Motion for Relief From Stay,). Filed by Creditor Verizon Communications Inc. (Attachments: # <u>1</u> Notice of Continued Hearing) (Powers, Mark) (Entered: 03/30/2004)
04/26/2004	● <u>53</u>	Notice of Change of Firm Name (Wilmer, Cutler and Pickering. c/s. (ach, usbc) (Entered: 04/28/2004)
06/03/2004	●	Hearing Held RE: <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. (ach, usbc) (Entered: 06/04/2004)
06/04/2004	● <u>54</u>	Order Dated 6/3/04 Regarding <u>14</u> Motion of the Operating Subsidiaries of Verizon Communications, Inc. for (a) Relief from the Automatic Stay To Terminate Service or in the Alternative (b) for Adequate Assurance of Payment for Future Utility Services Filed by Creditor Verizon Communications Inc. VERIZON APPEARS ADEQUATELY PROTECTED, THEREFORE STAY IS CONTINUED. PLAN AND DISCLOSURE STATEMENT TO BE FILED NO LATER THAN 6/11/04. CASE WILL BE CONVERTED TO A PROCEEDING UNDER CHAPTER 7 WITHOUT FURTHER HEARING IF FILING NOT MADE. (ach, usbc) (Entered: 06/04/2004)
06/15/2004	● <u>55</u>	Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Entered: 06/16/2004)
06/15/2004	● <u>56</u>	Chapter 11 Plan of Reorganization Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Entered: 06/16/2004)
06/15/2004	● <u>57</u>	Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. (mwm usbc) (Entered: 06/16/2004)
06/17/2004	● <u>58</u>	Signature Page for <u>56</u> Ch 11 Plan of Reorganization Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Entered: 06/17/2004)
06/17/2004	● <u>59</u>	Signature Page for <u>55</u> Disclosure Statement Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Entered: 06/17/2004)

06/18/2004	60	Hearing scheduled for 8/5/2004 at 10:30 AM Worcester Courtroom 3 - JBR for <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 Filed by Debtor Prospeed.Net, Inc. Objections due by 7/19/2004 at 04:30 PM.(ach, usbc) (Entered: 06/18/2004)
06/23/2004	61	Certificate of Service of Notice of Hearing Re: <u>55</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Entered: 06/24/2004)
07/19/2004	62	Objection <i>with Certificate of Service</i> by Creditor Verizon Communications Inc. Re: <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Powers, Mark) (Entered: 07/19/2004)
08/05/2004		Hearing Continued for 9/9/2004 at 10:00 AM Worcester Courtroom 3 - JBR for <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. (ach, usbc) (Entered: 08/05/2004)
08/05/2004	63	Order Dated 8/5/04 Regarding <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. CONTINUED TO 9/9/04 AT 10:00 AM. DISCLOSURE STATEMENT DEFERRED. DEBTOR'S COUNSEL SHALL FILE MEMO OF LAW CONCERNING 365 VS. 366 WITHIN 14 DAYS. VERIZON MAY HAVE 14 DAYS TO FILE A RESPONSE. (ach, usbc) (Entered: 08/05/2004)
08/20/2004	64	Memorandum of Law Concerning <u>56</u> Chapter 11 Plan of Reorganization Dated 6/10/2004 Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Entered: 08/20/2004)
08/20/2004	65	Certificate of Service Re: <u>64</u> Memorandum of Law Concerning <u>56</u> Chapter 11 Plan of Reorganization Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Entered: 08/20/2004)
09/02/2004	66	Response <i>with certificate of service</i> by Creditor Verizon Communications Inc. Re: <u>64</u> Memorandum of Law Concerning <u>56</u> Chapter 11 Plan of Reorganization Dated 6/10/2004 Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Attachments: # <u>1</u> Affidavit Affidavit Of Sharolyn Ann Hessenthaler# <u>2</u> Exhibit Interconnection Agreement# <u>3</u> Exhibit Order To Cure Defaults entered in Net2000 Communications, Inc., U.S. Bankruptcy Court, D. Del dated February 13, 2002) (Powers, Mark) (Entered: 09/02/2004)
09/02/2004	67	Declaration Re: Electronic Filing <i>Of Affidavit of Sharolyn Ann Hessenthaler</i> (Re: <u>66</u> Response,). Filed by Creditor Verizon Communications Inc. (Powers, Mark) (Entered: 09/02/2004)

09/03/2004	● <u>68</u>	Notice of Transfer of Claim by Regen Capital I For the claim of AT&T Corp. to Regen Capital I In the amount of 163294.11 . (ld, usbc) (Entered: 09/07/2004)
09/09/2004	●	Hearing Held and Continued for 9/23/2004 at 10:30 AM Worcester Courtroom 3 - JBR Re: <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. (jr, usbc) (Entered: 09/13/2004)
09/13/2004	● <u>69</u>	Order of 9/9/04 Regarding <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. CONTINUED TO 9/23/04 AT 10:30 AM. PARTIES ARE NEGOTIATING AND WILL ADVISE COURT AS TO THE RESULTS. (jr, usbc) (Entered: 09/13/2004)
09/13/2004	● <u>70</u>	Court Certificate of Mailing Re: <u>69</u> Order on Motion for Approval. (jr, usbc) (Entered: 09/13/2004)
09/22/2004	● <u>71</u>	Motion to Reschedule Time of Scheduled Hearing on <u>57</u> Objection of Verizons to Approval of Chapter 11 Plan. c/s. (ach, usbc) (Entered: 09/22/2004)
09/22/2004	● <u>72</u>	Endorsed Order Dated 9/22/04 Denying <u>71</u> Motion to Reschedule Time of Scheduled Hearing on <u>57</u> Objection of Verizons to Approval of Chapter 11 Plan. DENIED. (ach, usbc) (Entered: 09/22/2004)
09/27/2004	●	Hearing continued to 10/21/2004 at 09:00 AM Worcester Courtroom 3 - JBR Re: <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Entered: 09/27/2004)
09/27/2004	● <u>73</u>	Order Dated 9/23/04 Continuing hearing on <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. CONTINUED TO 10/21/04 AT 9:00 A.M. (mwm, usbc) (Entered: 09/27/2004)
09/27/2004	● <u>74</u>	Court Certificate of Mailing. RE: <u>73</u> Order Dated 9/23/04 Continuing hearing on <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 (unsigned) Filed by Debtor Prospeed.Net, Inc. (mwm, usbc) (Entered: 09/27/2004)
10/18/2004	● <u>75</u>	Transcript of Hearing Held on 9/9/04 RE: <u>57</u> Motion to Approve Disclosure Statement filed by Debtor Prospeed.Net, Inc. . (ld, usbc) (Entered: 10/18/2004)
10/22/2004	●	Hearing Continued for 12/9/2004 at 10:00 AM Worcester Courtroom 3 - JBR for <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated

		6/10/2004 Filed by Debtor Prospeed.Net, Inc. (ach, usbc) (Entered: 10/22/2004)
10/22/2004	● <u>76</u>	Order Dated 10/21/04 Regarding <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 Filed by Debtor Prospeed.Net, Inc. CONTINUED TO 12/9/04 AT 10:00 AM. (ach, usbc) (Entered: 10/22/2004)
10/24/2004	● <u>77</u>	BNC Certificate of Mailing - PDF Document. RE: <u>76</u> Order on Motion for Approval Service Date 10/24/2004. (Admin.) (Entered: 10/27/2004)
11/08/2004	● <u>89</u>	Notice of Transfer of Claim Filed by Regen Capital I For the claim of AT&T Corp. to Regen Capital I In the amount of 3915.10 . (ld, usbc) (Entered: 12/21/2004)
11/15/2004	● <u>78</u>	Notice of Appearance and Request for Notice Filed by Creditor Riverside Contracting LLC . (ld, usbc) (Entered: 11/15/2004)
11/16/2004	● <u>79</u>	Notice of Transfer of Claim (ach, usbc) (Entered: 11/16/2004)
11/18/2004	● <u>80</u>	BNC Certificate of Mailing. RE: <u>79</u> Notice(Court Use Only) Service Date 11/18/2004. (Admin.) (Entered: 11/19/2004)
11/19/2004	● <u>81</u>	Notice of Appearance and Request for Notice by Ira D. Kleiner Filed by Creditor Riverside Contracting LLC . (ld, usbc) (Entered: 11/23/2004)
12/10/2004	●	Hearing Held RE: <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004 filed by Debtor Prospeed.Net, Inc. (ach, usbc) (Entered: 12/10/2004)
12/10/2004	● <u>82</u>	Order Dated 12/10/04 Regarding <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004. FOR THE REASONS SET FORTH ON THE RECORD AT THE HEARING ON 9/9/04 (TRANSCRIPT IS # <u>75</u>), THE COURT ACCEPTS THE ANALYSIS AND REASONING OF VERIZON AS SET FORTH IN MEMO OF LAW (DOCKET # <u>66</u>) AND DENIED APPROVAL OF DEBTOR'S DISCLOSURE STATEMENT. (ach, usbc) (Entered: 12/10/2004)
12/10/2004	● <u>83</u>	Order Dated 12/10/04 Regarding <u>57</u> Motion to Approve <u>55</u> Disclosure Statement Dated 6/10/2004. CLAIMS BAR DATE SET FOR FEBRUARY 1, 2005. (ach, usbc) (Entered: 12/10/2004)
12/12/2004	● <u>84</u>	BNC Certificate of Mailing - PDF Document. RE: <u>82</u> Order on Motion for Approval, Service Date 12/12/2004. (Admin.) (Entered: 12/13/2004)

12/12/2004	● <u>85</u>	BNC Certificate of Mailing - PDF Document. RE: <u>83</u> Order on Motion for Approval Service Date 12/12/2004. (Admin.) (Entered: 12/13/2004)
12/20/2004	● <u>86</u>	Notice of Appeal <i>and Designation of Parties</i> . Fee Amount \$255 Filed by Debtor Prospeed.Net, Inc. RE: <u>82</u> Order on Motion for Approval (Mauser, Timothy) Clerks Note: Unsigned on 12/20/2004 (ach, usbc). (Entered: 12/20/2004)
12/20/2004	● <u>87</u>	Election of Appeal to District Court Filed by Debtor Prospeed.Net, Inc.. (Mauser, Timothy) Clerk's Note: Unsigned on 12/20/2004 (ach, usbc). (Entered: 12/20/2004)
12/20/2004	● <u>88</u>	Signature Page <i>NOTICE OF APPEAL, ELECTION TO HEAR APPEAL IN DISTRICT COURT</i> . filed by Debtor Prospeed.Net, Inc. (Mauser, Timothy) (Entered: 12/20/2004)
12/21/2004	90	Receipt of filing fee for Notice of Appeal(03-44857) [appeal,ntcapl] (255.00). Receipt Number 1067599, amount \$ 255.00. (U.S. Treasury) (Entered: 12/21/2004)
12/21/2004	● <u>91</u>	Notice of Appeal to District Court RE: <u>86</u> Notice of Appeal and Designation of Parties. Fee Amount \$255 Filed by Debtor Prospeed.Net, Inc. RE: <u>82</u> Order on Motion for Approval. (ach, usbc) (Entered: 12/21/2004)
12/22/2004	● <u>92</u>	Notice <i>NOTICE OF ORDER FIXING DEADLINE FOR FILING PROOFS OF CLAIM</i> with certificate of service. filed by Debtor Prospeed.Net, Inc. (Mauser, Timothy) (Entered: 12/22/2004)
01/03/2005	● <u>93</u>	Supplemental Certificate of Service <i>Regen Capitol I</i> (Re: <u>92</u> Notice). filed by Debtor Prospeed.Net, Inc. (Mauser, Timothy) (Entered: 01/03/2005)
01/06/2005	● <u>94</u>	Opposition with certificate of service by Creditor Verizon Communications Inc. Re: <u>91</u> Notice of Appeal to District Court RE: <u>86</u> Notice of Appeal and Designation of Parties. Fee Amount \$255 Filed by Debtor Prospeed.Net, Inc. RE: <u>82</u> Order on Motion for Approval. (ach, usbc) (Attachments: # <u>1</u> Exhibit A (Interlocutory Order dated December 10, 2004)# <u>2</u> Exhibit B (Disclosure Statement dated June 10, 2004)# <u>3</u> Exhibit C (Plan dated June 10, 2004)# <u>4</u> Exhibit D (Response of Verizon to Debtor's Memorandum of Law Concerning Non-Applicability of Section 365(b)(1))# <u>5</u> Exhibit E (Transcript of Hearing on September 9, 2004)) (Powers, Mark) (Entered: 01/06/2005)
01/07/2005	● <u>95</u>	Transmittal of Objection to Motion for Leave to Appeal to to U.S.

		District Court RE: <u>86</u> Notice of Appeal filed by Debtor Prospeed.Net, Inc. (ach, usbc) (Entered: 01/07/2005)
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